



The Telecommunications Association

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NOV 23 1994

November 23, 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

Ex Parte


Re: GN Docket No. 93-252

Dear Mr. Caton:

Pursuant to Section 1.1206 of the Commission's Rules, attached are two copies of a written presentation to the Chief of the Private Radio Bureau and his staff concerning the effective date for use of new FCC Form 600, as adopted in the Third Report and Order in GN Docket No. 93-252, FCC 94-212, released September 23, 1994.

Should any questions arise concerning this matter, please communicate with undersigned counsel.

Very truly yours,


Jeffrey L. Sheldon
General Counsel

Attachments

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. Ralph A. Haller
Chief, Private Radio Bureau
Federal Communications Commission
2025 M Street, N.W. Room 5002
Washington, D.C. 20554

Re: Request for Deferral of FCC Form 600
GN Docket No. 93-252

Dear Mr. Haller:

Pursuant to Sections 1.41 and 1.44(e) of the Commission's Rules, UTC (formerly known as the "Utilities Telecommunications Council") hereby requests the Commission to defer the effective date for mandatory use of FCC Form 600, as prescribed in the Third Report and Order in GN Docket No. 93-252, FCC 94-212, released September 23, 1994.^{1/} In support of this request, the following is respectfully submitted.

As you know, UTC is the certified frequency coordinator for the Power Radio Service under Part 90 of the Commission's Rules. UTC processes approximately 150 Power Radio applications each month, about 70% of which must be submitted to coordinators for other Private Radio services for interservice coordination. UTC also conducts interservice coordination each month on about 100 additional applications UTC receives from other radio services.

UTC strives to process and file at least 90% of the applications it receives within 20 working days, as required by the Commission. However, because interservice coordination can add up to 20 additional working days (or more, depending on the radio service to which the applications are sent) it can take anywhere from 30-60 calendar days to process and file even "routine" applications. In situations where UTC must request

^{1/} UTC understands that the National Association of Business and Educational Radio, Inc. (NABER) filed a similar request on November 4, 1994.

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additional or clarifying information from the applicant, the process can take even longer. Because of these processing times, UTC generally has about 300 Power Radio applications "in the pipeline" at any given time. UTC suspects that other frequency coordinators may have even more applications in process at any given time.

In the Third Report and Order in GN Docket No. 93-252, FCC 94-212, released September 23, 1994, the Commission adopted a new Form 600 to replace, among other forms, the current license application form for new or modified facilities in the Private Land Mobile Radio Services (FCC Form 574). The Commission specified an effective date of January 2, 1995, for the use of this new form to coincide with the effective date for its new rules and policies on the licensing of Commercial Mobile Radio Services (CMRS). Further, the Commission declined to adopt a transition period during which it would accept applications on either the old forms (e.g., Form 574) or the new Form 600, instead finding that a single cut-over date to the new form would minimize processing burdens for the Commission.

UTC appreciates the Commission's desire to implement its new CMRS policies as promptly as possible and to minimize the processing burdens on its licensing staff. However, adherence to the January 2, 1995, cut-over date for Form 600 is likely to cause considerable confusion and disruption for the thousands of private radio applicants with applications currently undergoing frequency coordination, or who submit applications for frequency coordination during the next few weeks.

UTC understands that approval of Form 600 by the Office of Management and Budget (OMB) is not expected until the first week of December, 1994. Even assuming the Commission is ready and able to broadly distribute Form 600 as soon as OMB approval is received, the new form will not be in the hands of applicants until the second week of December at the earliest. At that point, UTC and similarly situated frequency coordinators will have to determine which applications can be filed (on Form 574) by December 30, 1994. UTC and other coordinators will then have to notify all other applicants that their applications will have to be resubmitted to the appropriate coordinator on Form 600. UTC anticipates that the vast majority of applications it is currently processing (or will be processing as of mid-December) will have to be returned to applicants for resubmission on Form 600.

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At the time the Commission announced the January 2, 1995, cut-over date for Form 600, it was contemplated that the public would have adequate time to become familiar with the new form. However, neither the public nor the Commission could have foreseen the delay in OMB approval of this form and the resulting burden this delay would impose on the thousands of parties with applications currently undergoing frequency coordination.

UTC therefore respectfully requests the Commission to delay the effective date for mandatory use of Form 600. UTC understands that NABER has requested a six month delay in the use of Form 600, and UTC concurs that this would be the preferred course of action. In any event, UTC recommends that the Commission defer use of Form 600 until at least 120 days after OMB approval of the form. It should be noted that if OMB approval is given during the first week of December, this would extend the date for use of Form 600 by only about 90 days.

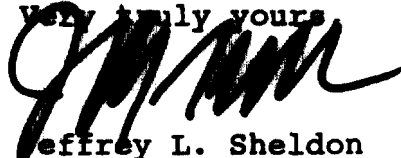
An additional 90 days would provide a minimally acceptable time for coordinators and applicants to acquire the new form and to schedule programs to phase-in the collection of application data on Form 600. Each coordinator will have to establish and publicize an internal cut-off date after which it will only accept Form 600. UTC, for example, anticipates that it will have to require Power Radio applicants to begin submitting Form 600 at least 60 days prior to the date the Commission requires the filing of Form 600. Delay in use of Form 600 for at least 120 days after OMB approval will also permit additional time for the Commission to publicize the availability of the new form and to provide guidance on its use.

As an alternative to extending the date for all mobile radio applicants, UTC suggests that the date be extended for those applicants in radio services, such as the Power Radio Service, which are presumptively Private Mobile Radio Services (PMRS) and not CMRS. See Second Report and Order in GN Docket No. 93-252, 9 FCC Rcd 1411 (1994). Since the need to implement Form 600 is apparently based on the Commission's desire to promptly evaluate the licensing status of particular applicants, there is no need to implement Form 600 immediately in radio services, such as the Power Radio Service, in which there is no possibility that applicants will be providing a CMRS.

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Because of the need to adequately apprise applicants of these processing procedures, prompt Commission attention to this matter is respectfully requested.

Very truly yours



Jeffrey L. Sheldon
General Counsel

cc: Gerald Vaughan, PRB, FCC
Rosalind Allen, PRB, FCC
William Caton, Acting Secretary, FCC